

REMARKS

Claims 1-5 are pending. Claims 6-9 have been cancelled as being drawn to a non-elected invention. Claims 10-16 are newly presented. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

In the Title

The Office Action objected to the title of the application as allegedly being none descriptive. Applicants have amended the title and accordingly, Applicants submit that this objection is moot.

Claims Rejections Under 35 U.S.C. § 102

A. Claims 1, 4, and 5 were rejected under 35 U.S.C. § 102(b) over Paoli (U.S. Patent No. 5,742,631). Applicants respectfully traverse this rejection.

Claim 1 recites, in part, a semiconductor laser that includes a substrate which is etched into a mesa structure. The Office Action alleges the Paoli teaches this feature of claim 1. (See Page 4 of the Office Action) Applicants respectfully disagree.

Paoli teaches a substrate 102 and a mesa structure 500 but the mesa structure 500 is formed from layers 137, 138, and silicon nitride layer 510. The substrate 102 is not etched into a mesa structure, as recited in claim 1. In fact, the substrate 102, disclosed in Paoli at Figure 5, for example, is separated from the mesa structure 500 by several intervening layers. See, for example, Column 5, lines 10-12 and Column 7, line 50-column 8, line 14 and Figure 5. Accordingly, Paoli fails to teach, or even suggest, a semiconductor laser that includes a substrate which is etched into a mesa structure, as recited in claim 1.

Claims 4 and 5 are believed allowable for at least the reasons presented above with respect to claim 1 by virtue of their dependence upon claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Allowable Subject Matter and New Claims

Applicants appreciate the Examiner's indication that claims 2 and 3 contain allowable subject matter and would be allowable if rewritten in independent form to include all of the features of their base claim and any intervening claim. In view of the Examiner's indication, newly presented claims 10-16 are believed allowable.

Furthermore, in view of the foregoing, all of the claims (claims 1-5 and 10-16) are believed allowable over the prior art of record.

Conclusion

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

MAYER BROWN ROWE & MAW LLP

By: 

Yoon S. Ham
Registration No. 45,307
Direct No. (202) 263-3280

YSH/VVK
Intellectual Property Group
1909 K Street, N.W.
Washington, D.C. 20006-1101
(202) 263-3000 Telephone
(202) 263-3300 Facsimile

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